

Exhibit L



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

October 21, 2023

By Email

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Re: *United States v. Kwok, et al.*, S1 23 Cr. 118 (AT)

Dear Clare:

The Government writes in response to your October 18, 2023 email. Your email mischaracterizes the Government's position in several respects and the Government broadly disagrees with your assertions. We are providing specific responses below to certain statements in your email.

First, merely because the Government has made a disclosure pursuant to its obligations "and in an abundance of caution" does not mean that the Government believes such information to be admissible, relevant, or even *Brady* material. To the contrary, the Government often makes disclosures that are beyond the scope of what *Brady* and its progeny require. Next, you misread the content of the Government's June 26, 2023 letter.¹

[REDACTED]

¹ Your email referenced a June 6, 2023 letter, which we assume to be a typographical error.

██ Please articulate your position so that we can consider your request.

Second, in the letter you sent on September 29, 2023, you requested “[a]ll documents and communications concerning the ‘New Federal State of China’ or the ‘NFSC,’ including, but not limited to, any intelligence assessments regarding the NFSC.” In your October 18, 2023 email, you narrowed this request to evidence undercutting the assertion “that the NFSC is not a credible movement.” The Government appreciates that you have narrowed your request. In our continued efforts to resolve this issue, the Government requests that you clarify precisely what information you are seeking. The present request for “evidence undercutting” a purported assertion about “credibility” is too vague to ascertain what the defense seeks.

Third, information submitted to the Court *ex parte* in connection with the Bove disqualification motion contains internal Government communications regarding work product, as well as the Government’s present assessments about defense and Government trial strategy. Such information is not subject to disclosure, and the Court permitted the Government to submit information *ex parte*.

Fourth, your email asks to “[p]lease confirm that [the Government] ha[s] produced” an “August 26, 2018 recorded meeting.” The Government has not produced that recording.

Fifth, the Government reiterates that it is unable to communicate about the existence, or nonexistence of, classified material. In any event, the Court has scheduled a procedure and timeline relating to classified information. The Government intends to follow the Court’s order.

Finally, your email states that you may move the Court to resolve certain of your discovery complaints. The Government does not believe this is ripe for court intervention at this time. You have not yet explained to the Government why the materials concerning purported CCP targeting of Kwok are relevant in this case. The Government requests that you provide that information so the parties can meaningfully confer regarding these issues.

Very truly yours,

DAMIAN WILLIAMS
United States Attorney

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